

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4320--SO**
ASHLY RENE HUNDLEY)
NPN #12153241)

SUMMARY ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby proposes to find facts and revoke the resident insurance agent's license of Ashly Rene Hundley ("Respondent") by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") reflect that Respondent is licensed as a resident agent to transact the business of insurance and has been so licensed since November 1, 2008.
2. Respondent's legal and mailing address of record is 10552 Kingman Road, Lancaster, KS 66041-9118.
3. Following investigation, the Commissioner has no reason to believe that protection of the public interest requires the Commissioner to give notice and opportunity to participate to anyone other than Respondent.
4. Following investigation, the Commissioner finds evidence sufficient to support the following facts:
5. Until March 22, 2011, Respondent was appointed as a licensed agent for Shelter Insurance Companies.

6. As a Shelter agent, Respondent accepted and receipted premium payments by both cash and check from a consumer, J.D., for automobile and homeowners policies without applying the premium to policies, and Respondent produced documents indicating insurance coverage was in effect when, in fact, the policies had been cancelled for nonpayment or because Respondent failed to complete underwriting requirements.

7. Respondent paid a claim for damage to one of J.D.'s uninsured vehicles in June 2010 without submitting the claim to the company or informing J.D. he did not have coverage.

8. J.D.'s home and vehicles remained uninsured until after Respondent's termination from Shelter.

9. By letter dated April 6, 2011, and mailed to Respondent's address of record, a KID consumer assistance representative requested that Respondent respond to the consumer complaint regarding J.D.'s policies.

10. When Respondent had not responded by April 29, 2011, the representative mailed a second request.

11. To date Respondent has not responded, and the letters have not been returned.

12. By letter dated May 12, 2011, and mailed to Respondent at her address of record, counsel for KID summarized the foregoing facts and invited Respondent to reply if she disputed any of them.

13. To date, Respondent has not replied, and the letter has not been returned; thus, the facts are undisputed.

Applicable Law

14. K.S.A. 40-4909(a) provides, in relevant part:

“The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has. . . (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business. . . . (8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere. . . .” K.S.A. 40-4909(a).

15. In addition, the Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license. K.S.A. 40-4909(b).

Conclusions of Law

16. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

17. The Commissioner finds, based on the undisputed facts that Respondent has improperly withheld, misappropriated, or converted money or property received in the course of doing insurance business.

18. The Commissioner also finds from the same facts that Respondent has used dishonest practices and demonstrated untrustworthiness or financial irresponsibility in the conduct of business.

19. Based on the foregoing findings, the Commissioner concludes that sufficient grounds exist for the revocation of Respondent’s insurance agent’s license pursuant to K.S.A. 2004 Supp. 40-4909(a).

20. The Commissioner further finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(b) because the insurer and the insurable interests of the public are not properly served under the license.

21. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law, the protection of the public interest does not require the KID to give notice and opportunity to participate to persons other than Respondent, and after investigation, KID believes in good faith that the allegations will be supported to the applicable standard of proof.

Policy to be Served

Before issuing an insurance agent license, the Commissioner must determine that the applicant is qualified and has not committed any act that would be grounds for denial, suspension, or revocation. K.S.A. 40-4905(b). Further, the Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under the license. K.S.A. 40-4909(b). The following action is appropriate to promote the security and integrity of the insurance business and protect insurance consumers by licensing, or continuing to license, persons or entities to sell, solicit, or negotiate insurance in the State of Kansas only if their conduct indicates they are both qualified and trustworthy.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of **ASHLY RENE HUNDLEY** is

hereby **REVOKED**. It is further ordered, that **ASHLY RENE HUNDLEY** shall **CEASE and DESIST** from the sale, solicitation, or negotiation of insurance, doing any act toward the sale, solicitation, or negotiation of insurance, and/or receiving compensation deriving from the sale, solicitation, or negotiation of insurance conducted on and after the effective date of this order.

IT IS SO ORDERED THIS 9th DAY OF JUNE 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



 /s/ Sandy Praeger
Sandy Praeger
Commissioner of Insurance

BY:

 /s/ Zachary J.C. Anshutz
Zachary J.C. Anshutz
General Counsel

NOTICE OF RIGHTS TO HEARING AND REVIEW

Within fifteen (15) days of the date of service of this Summary Order, Respondent may submit a written request for a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542. Any request for a hearing should be addressed to the following:

Zachary J.C. Anshutz, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

If a hearing is requested, the Kansas Insurance Department will serve notice of the time and place of the hearing and information on procedures, right of representation, and other rights of parties relating to the conduct of the hearing.

If a hearing is not requested in the time and manner stated above, this **Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing.** In the event Respondent files a Petition for Judicial Review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is

Zachary J.C. Anshutz, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

Certificate of Service

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing **Summary Order** and accompanying **Notice of Rights** on this 9th day of June 2011 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Ashly Rene Hundley
10552 Kingman Rd.
Lancaster, KS 66041-9118

 /s/ Brenda J. Clary
Brenda J. Clary
Staff Attorney